

SAUL EWING
ARNSTEIN
& LEHR ^{LLP}

Attorney Biographies

SAUL EWING ARNSTEIN & LEHR^{LLP}



April Falcon Doss *Partner*

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April Doss is a seasoned litigator with extensive in-house experience who offers clients significant insight on data privacy and cybersecurity based on her years of service in high-level government jobs connected to the intelligence community. Her knowledge about cybersecurity and data privacy is informed by her tenure as the senior minority counsel for the Russia Investigation in the Senate Select Committee on Intelligence (SSCI), as well as her many years at the National Security Agency (NSA), where she was associate general counsel for intelligence law.

In her year-long role advising the Senate committee, April served as lead minority counsel for all facets of the SSCI investigation into Russia's interference in the 2016 U.S. elections. At the NSA, she gained significant experience with legal issues relating to big data, including privacy and compliance programs, particularly within the telecommunications, technology and defense sectors of the economy. Over the course of her career at the NSA, April managed operations; oversaw a complex, multi-site compliance program; and served as part of the senior management team for the NSA's new technology development. Prior to her federal government service, April tried both criminal and civil cases, first as a public defender and later as a law firm litigator. She also served as assistant and acting general counsel of a private college prior to her federal service.

This diverse background makes April well-qualified to provide practical, hands-on legal advice that takes into account the real-world implementation challenges of data privacy and cybersecurity programs. She assists clients with data security and privacy investigations and litigation, and leads the Firm's comprehensive program and process to mitigate cyber risks on the front end and protect clients in the event of an incident. April also advises clients on regulatory and corporate ethics and compliance best practices. Additionally, she provides a wide range of legal services to intelligence, defense, and homeland security sector clients who are engaged in cleared conversations with the vast network of federal agencies that govern and impact those arenas. Her prior experience as in-house counsel to a private college also allows her to apply her cybersecurity perspective to the needs of

Practices

Business and Finance
Commercial Litigation
Cybersecurity and Privacy
Litigation
Regulatory, Compliance and Government
White Collar and Government Litigation
Government Contracts
Health Care
Higher Education
Technology and Manufacturing
Telecommunications

Education

J.D., University of California, Berkeley,
Boalt Hall School of Law, 1992
M.F.A., Goucher College, 2001
B.A., *magna cum laude*, Yale
University, 1989

Bar Admissions

California, Maryland, Not Admitted in
District of Columbia

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higher education sector clients.

Experience

April advises clients in the following areas:

- Security breach preparation and response
- Data privacy and cybersecurity litigation
- Regulatory matters and internal compliance programs
- Big data governance and privacy in technology development
- Electronic surveillance and national security, including cooperative and compulsory process
- Strategic counseling and board governance
- Corporate counseling for providers of cybersecurity services

Honors and Awards

- Two-Time Recipient of the National Intelligence Meritorious Unit Citation
- Recipient of the NSA Torchbearer Award, recognizing innovation in privacy and compliance

Memberships and Affiliations

- International Association of Privacy Professionals (IAPP)
- The Sedona Conference
 - Working Group 6 (Electronic Information Management, Discovery and Disclosure)
 - Working Group 11 (Data Security and Privacy Liability)
- Maryland State Bar Association
- American Bar Association, Section of Science & Technology Law
- Board of Directors, Maryland Volunteer Lawyers for the Arts

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John A. Basinger *Partner*

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One Riverfront Plaza
Newark, New Jersey 07102-5426

New York Office
1270 Avenue of the Americas
New York, New York 10020

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Practices

Antitrust
Bankruptcy Litigation
Commercial Litigation
Cybersecurity and Privacy
Employment Litigation
Intellectual Property
Intellectual Property Litigation
Litigation
Real Estate Litigation
Securities Litigation
Construction
Energy
Energy Extraction
Insurance

Education

J.D., *cum laude*, Harvard Law School,
1996

B.A., *summa cum laude*, University of
Oklahoma, 1992

Bar Admissions

California, New Jersey, New York

In his nearly 20-year legal career, John Basinger has represented clients in resolving contract and business tort, intellectual property, product and premises liability, construction defect, criminal and civil rights disputes. He has also advised organizations in corporate compliance and government investigations.

John regularly represents a wide variety of domestic and foreign entities in jury and bench trials, including in federal court in the Northern, Eastern and Central Districts of California, and in arbitration proceedings. He has guided clients from the United Kingdom, Germany, Italy, the Czech Republic, Russia, Turkey, Japan, China, Australia, Papua New Guinea, Mexico and Brazil, among others, through dispute resolution in the U.S. and before international tribunals. In addition, John has acted as the reporter for the International Institute for Conflict Prevention and Resolution's Guidelines on Summary Disposition of Issues in Arbitration and served as secretary for the Committee on International Legal Practice of the Association of the Bar of the City of New York.

The International Association of Privacy Professionals recognizes John as a Certified Information Privacy Professional (CIPP/US).

Experience

- Represented managing general agent in pretrial proceedings and in jury trial in the Eastern District of California in dispute with surety.
- Represented Scandinavian equipment manufacturer and its US subsidiary in products liability suit in the Eastern District of California.
- Represented law enforcement official in defending section 1983 action brought in the Eastern District of California.
- Represented a trademark licensee in parallel litigation in federal courts in New York and the Northern District of California in a dispute

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- concerning use of likenesses in promotional campaign. The case was resolved early and favorably.
- Secured dismissal of all claims by competitor in a complex trademark, unfair competition and UCC negotiable instruments case in the Southern District of New York.
 - Won precedent-setting decision in the Southern District of New York concerning the scope of pre-judgment asset freeze authorized under the Lanham Act, reducing restraint of e-commerce company's assets from \$2 million to \$20,000. The Second Circuit ruled that plaintiff failed to show that it was likely to succeed on the merits in its application for stay.
 - As pro bono Counsel of Record, led U.S. Supreme Court briefing for amicus curiae client in seeking dismissal of certiorari based upon Article III justiciability, standing and mootness concerns. The Supreme Court ultimately dismissed certiorari on the mootness grounds argued in the amicus brief.
 - Lead trial counsel for agency of sovereign entity in breach of contract case involving valuation of closely-held bank in the Southern District of New York and briefed appellate issues, leading the U.S. Court of Appeals for the Second Circuit to reverse the trial court's decisions against client and order that the trial court enter judgment in its favor.
 - Won a defense award on behalf of a sovereign entity in an International Centre for Dispute Resolution arbitration. Represented the entity in related federal and New York state court proceedings, including successfully arguing to the Second Circuit to uphold the award and district court confirmation on appeal.
 - Obtained bench trial verdict in favor of European client and its U.S. subsidiary in federal court litigation regarding termination of software distributorship for South America. Pushed the matter from filing through removal to federal court, e-discovery and trial in less than five months. The Second Circuit affirmed the verdict.
 - Represented an Asian manufacturer in related trademark, licensing, theft of trade secrets and patent matters before federal and state courts in New York and in ICDR arbitration.
 - Advised several creditors of Bernard L. Madoff Investment Securities, LLC.
 - Represented a professional service firm in fee dispute matters in Southern District of New York bankruptcy court proceedings.
 - Advised an Asian financial services company in negotiating termination of trademark licensing and marketing agreements. Termination was achieved on good terms and without litigation.

Memberships and Affiliations

- American Bar Association
- New York State Bar Association

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Alexander (Sandy) R. Bilus assists clients who are facing complex commercial litigation or who need legal advice on issues involving cybersecurity and data privacy, particularly in the higher education and financial services industries. Sandy's litigation experience includes arguing cases before the U.S. Court of Appeals for the Third Circuit and assisting with cases before the U.S. Supreme Court and the Supreme Court of Pennsylvania. His cybersecurity and data privacy experience includes responding to potential data breaches and providing advice on compliance with the European Union's General Data Protection Regulation (GDPR). The International Association of Privacy Professionals recognizes Sandy as a Certified Information Privacy Professional (CIPP/US).

Sandy's work for institutions of higher education includes providing advice and conducting internal investigations connected to their compliance concerns, as well as responding to private lawsuits and government enforcement activity. He also counsels colleges and universities on cybersecurity and data privacy matters. Because of the depth of his experience representing higher education institutions, he understands the unique challenges that this industry faces in planning for cyber-attacks and data breaches, to managing these crises, to proceeding after one or both occur.

Sandy also advises clients on First Amendment and defamation matters. Through his work with the American Civil Liberties Union of Pennsylvania, Sandy has represented clients bringing First Amendment and other constitutional claims. He also represented on a pro bono basis a group of same-sex couples who brought a constitutional challenge to Pennsylvania's ban on same-sex marriage.

Before joining Saul Ewing Arnstein & Lehr, he practiced for six years at an international law firm in Philadelphia and worked as a law clerk for two federal judges.

Practices

Appellate
Commercial Litigation
Cybersecurity and Privacy
Litigation
White Collar and Government
Litigation
Higher Education

Education

J.D., *cum laude*, Northwestern
University Pritzker School of Law,
2006

B.A., Oberlin College, 1999

Bar Admissions

Pennsylvania

Clerkships

The Honorable Morton I. Greenberg,
U.S. Court of Appeals for the Third
Circuit

The Honorable Paul S. Diamond, U.S.
District Court for the Eastern District of
Pennsylvania

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Experience

Higher Education matters

As a core member of the firm's Higher Education Practice, Sandy understands the concerns that colleges and universities face when crises unfold on campus. His experience includes helping higher education institutions address legal issues involving campus unrest and protests, sexual abuse, data privacy and cybersecurity issues, hazing, and criminal acts committed by employees.

- The Pennsylvania State University in its defense of civil litigation matters stemming from claims brought by the alleged sexual abuse victims of Jerry Sandusky.
- A higher education institution on compliance with the Family Educational Rights and Privacy Act (FERPA).
- A public university system on compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).
- A university on various lawsuits involving students who allege they were hazed by members of their fraternity.
- Numerous higher education institutions regarding First Amendment issues, including protests by students on campus and other student speech issues.
- A university in litigation brought by members of the Board of Trustees over access to university information.
- A public university on its response to an employee accused of a criminal act.
- A public university on changes to vaccination policies.

Cybersecurity and Data Privacy

As vice chair of the firm's Cybersecurity and Privacy Practice, Sandy helps clients understand the legal liabilities they face if a cyberattack or data breach occurs and their compliance obligations to help minimize these risks. He helps clients prepare for cybersecurity incidents, conducts internal investigations in response to potential breaches, and provides representation in related litigation.

- Various clients responding to data breaches and other incidents involving unauthorized access to data.
- A client on privacy matters including policies on handling and transferring sensitive data.
- Various clients on compliance with the European Union's General Data Protection Regulation (GDPR).

Commercial and Appellate Litigation

Sandy's commercial and appellate litigation work spans from cases involving employee benefits and leverage buyouts to class action securities disputes and state and federal constitutional issues.

- An insurance carrier before the Pennsylvania Commonwealth Court in an appeal over change in status of benefits for an injured employee.
- An individual before the U.S. Court of Appeals for the Third Circuit after an adverse jury verdict.

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- A group of judges before the Pennsylvania Supreme Court, Pennsylvania Commonwealth Court, and the U.S. Court of Appeals for the Third Circuit in challenge to a provision of the Pennsylvania Constitution.
- A group of individuals before the Pennsylvania Supreme Court and the Pennsylvania Commonwealth Court in a challenge to provision of Pennsylvania Constitution.
- Assistance with argument preparation on behalf of petitioners before the U.S. Supreme Court challenging the validity of portions of a bankruptcy statute on First Amendment grounds.
- Assistance with argument preparation on behalf of a respondent before the U.S. Supreme Court challenging the government's interpretation of a U.S. Trustee's duty to object to exemptions under the Bankruptcy Code.
- Multiple mutual fund complexes in litigation arising out of a leveraged buyout.
- The officers and directors of a plastic bottle manufacturer in a securities class action arising out of an initial public offering.
- The officers and directors of a credit card issuer in class actions brought under the 1934 Act, the 1933 Act, and ERISA.
- Hedge funds responding to SEC investigations.

Defamation matters

- Defense of a media company and its radio station facing a defamation and invasion of privacy (false light) case.
- Assistance in the defense of the executor of an estate facing libel and defamation allegations in connection with statements contained in a biography about the Pulitzer Prize-winning decedent regarding a mistress.

Honors and Awards

- Named one of *The Legal Intelligencer's* Lawyers on the Fast Track, 2017
- Named to the *Pennsylvania Super Lawyers* "Rising Stars" List for Civil Litigation: Defense, 2016 and 2017

Memberships and Affiliations

- Board of Trustees, Pennsylvania School for the Deaf
- Legal Advisory Committee, American Civil Liberties Union (ACLU) of Pennsylvania
- National Association of College and University Attorneys (NACUA)
- International Association of Privacy Professionals (IAPP)

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Partner

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Nancy DePodesta is a highly acclaimed trial lawyer with substantial litigation experience. She has handled eighteen trials in the federal district courts and has delivered multiple arguments to the Seventh Circuit Court of Appeals. She has also overseen numerous investigations at the state and federal level, involving regulatory agencies such as the Internal Revenue Service, U.S. Department of Labor, and Securities and Exchange Commission, and has handled internal investigations for corporate clients.

Nancy's recent trials and investigations include various regulatory and enforcement actions in the cybersecurity industry. For example, Nancy currently represents a client in a civil and criminal matter involving the Computer Fraud and Abuse Act and allegations of unauthorized access to confidential customer lists and other trade secret information.

Nancy is an adept hands-on manager and regularly handles complex fraud and financial investigations and prosecutions involving an extensive number of witnesses and voluminous documents. She has experience in broad array of subject matters, including securities fraud, tax fraud, health care fraud, bankruptcy fraud, corporate fraud, bribery and corruption, racketeering, and narcotics conspiracies.

Prior to joining the firm, Nancy served as an Assistant United States Attorney for the Northern District of Illinois and as legal counsel for the Illinois Department of Corrections.

Practices

White Collar and Government
Litigation

Cybersecurity and Privacy

Shareholder Litigation

Securities Litigation

Financial Services

Appellate

Health Care

Education

J.D., Chicago-Kent College of Law,
Illinois Institute of Technology,
1993, *with honors*

B.S., Indiana University, 1990

Bar Admissions

Illinois

Experience

Cybersecurity and Privacy

- Representation of an individual in parallel civil and criminal claims involving the Computer Fraud and Abuse Act. The matter involves allegations of unauthorized access to confidential customer lists and other proprietary information. The criminal claim has since been resolved.
- Represent multiple companies and individuals in matters involving cyber intrusions and hacking into their systems.
- Represent an individual charged with spoof orders in a securities

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market which created a misleading supply and demand which induced the actions of other traders.

SEC and Tax Issues

- Defended a businesswoman on charges involving a \$1.2 million tax fraud in a prosecution by the United States Attorney's Office. Obtained sentence of probation following a contested sentencing hearing.
- Represented multiple individuals, including an attorney, investor, and a corporate executive in investigations conducted by the Securities & Exchange Commission. The investigations focus on fraudulent misrepresentations to investors, including foreign investors participating in the EB-5 Program.

Fraud Investigations

- Leading an internal investigation into whether an executive misappropriated corporate funds for personal expenditures and otherwise breached fiduciary duties to company.
- Represented and advised a city official with respect to a corruption investigation and prosecution conducted by the Department of Justice. The official was not prosecuted.
- Counseled multiple individuals subpoenaed to appear before a grand jury in a mortgage fraud and bank fraud investigation being conducted by the Federal Bureau of Investigation. The individuals were not charged.
- Managed corruption investigation and prosecution of Chicago Park District official and contractors involved in mail fraud, wire fraud and bribery in relation to contracts for landscaping at Chicago-area parks, including Millennium Park.
- Conducted fraud investigation and prosecution involving a Minority Business Enterprise obtaining contracts with the Chicago Public Schools.
- Investigated and prosecuted an individual in the financial services industry who solicited and obtained payments exceeding \$1.1 million from four investors by falsely representing that their funds would be invested in particular companies and instead misappropriated the funds for personal expenditures
- Supervised international fraud investigation and prosecution of the production, distribution and sale of counterfeit art of renowned artists.
- Led investigation and prosecution of fraudulent and deceptive auction practices engaged in by a premier auction house specializing in sports and historical memorabilia.

Health Care

- Representing a physician before the Illinois Department of Professional Regulation, Illinois Department of Healthcare and Family Services, and United States Drug Enforcement Agency relating to alleged violations of the Illinois Medical Practice Act stemming from the prescription of opioids and other controlled substances.
- Represented a nursing director and marketing consultant, employed by different home health care agencies, in investigations and a prosecution of health care fraud alleging kickbacks and bribes were paid in exchange for referrals.

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- Counseled multiple home health care agencies in qui tam actions and investigations alleging violations of the False Claims Act stemming from claims being submitted to Medicare and Medicaid for services performed and billed.

Honors and Awards

- Awarded the Chicago Crime Commission Star of Distinction
- Recognized for superior performance as an Assistant United States Attorney by the United States Attorney's Office
- Federal Bureau of Investigation Special Recognition Awards
- Recipient of the Chicago Police Department Special Commendation Award

Memberships and Affiliations

- Trial Advocacy Instructor, Northern District of Illinois in-house program for new Assistant United States Attorneys

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Toyja E. Kelley
Partner

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Practices

Commercial Litigation
Litigation
Class and Collective Actions
Real Estate Litigation
White Collar and Government Litigation
Construction
Consumer Financial Services Litigation
Insurance
Retail and Hospitality
Technology and Manufacturing

Education

J.D., William & Mary Law School, 2001
B.A., Franklin & Marshall, 1998

Bar Admissions

District of Columbia, Maryland

Clerkships

Judicial Law Clerk to The Honorable Andrew Sonner of the Maryland Court of Special Appeals

Toyja Kelley handles complex commercial disputes including multi-district litigation and class action matters. He has extensive trial experience in the state and federal courts in Maryland and the District of Columbia, where he has represented plaintiffs in at least a half dozen class actions in these venues on behalf of investors and minority shareholders. His experience also includes representation of businesses in general commercial litigation, construction litigation, professional and product liability, business torts, and insurance coverage. He has handled matters involving the technology, manufacturing, retail, real estate, and automotive industries, among others.

Outside his practice, Toyja is an adjunct professor of law at Washington and Lee University. He also has been an active member of the DRI-The Voice of the Defense Bar for several years, including his current service as president of the nearly 22,000 member international organization and past service as chair of DRI's Diversity Committee.

In 2008, Toyja played a lead role in organizing the JTBF Conference for the Just The Beginning Foundation (JTBF), a national non-profit foundation dedicated to promoting greater diversity in the field of law. He was a member of the Executive Planning Committee on behalf of the State of Maryland, and in this capacity helped organize its eighth biennial conference, which took place in Washington.

Experience

Multi-District Litigation and Class Actions

- In re Mutual Funds Investment Litigation (MDL - 1586): Member of litigation team for partner who was serving as administrative chair in complex six-year-old consolidation of actions concerning allegations that mutual fund companies engaged in late trading and market timing that disfavored large numbers of investors.
- Member of litigation for partner who was serving as liaison counsel for the competitor plaintiffs in the consolidated multi-district antitrust

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actions against Microsoft Corp.

- Represented Sun Microsystems, Inc., in its massive antitrust action against Microsoft Corp., in which Sun received an approximate \$1.95 billion settlement.

General Business Litigation

- Defended a Baltimore, Maryland-based sports clothing and accessories manufacturer in a two-week jury trial involving its \$4.1 million Station House Visitor Center.
- Defended a national office products manufacturer in breach-of-contract cases brought by a multinational customer and a material supplier; the claims were resolved favorably.
- Defended a publicly traded broadcasting company in commercial litigation and business tort-related cases.
- Defended a sports equipment company in a personal injury case involving several athletes at a football camp in Maryland.

Product Liability

- Defended a commercial food service manufacturer against allegations that a product defect caused a fire that destroyed a national fast food chain's restaurant. The case was favorably resolved.
- Represented a petroleum manufacturer in a product liability case alleging injuries from lead pigment.

Construction

- Successfully defended a building owner in a \$12.7 million construction dispute with its former general contractor and a bonding company. Toyja secured summary judgment in the client's favor on the claims made by the contractor and bonding company and a jury returned a \$1.6 million verdict in the client's favor on its counterclaims.
- Represented a national home improvement franchising company in a breach-of-contract dispute brought by customers of a local franchise that had gone out of business.

Real Estate

- Defended a publicly-traded real estate investment trust from a series of construction-related lawsuits brought by contractors and subcontractors in Maryland. Toyja's representation led to the dismissal of most cases; others have been favorably resolved.
- Represented a large financial services company in numerous cases involving its Maryland real estate portfolio.

Professional Liability

- Represented an EB5 foreign investment regional center in connection with a \$9.5 million arbitration involving a failed partnership and real estate investment deal.

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- Defended a manufacturer of custom built industrial generator systems from allegations that it violated Maryland Equipment Dealer Contract when it terminated a local sales representative; the case was favorably resolved.

In addition to his trial experience, Toyja is outside general counsel to a Maryland-based residential construction and restoration company and outside general litigation counsel to a special event photo booth manufacturer.

Among the reported cases in which Toyja has represented clients are:

- *Smith v. Lead Industries Ass'n*, 386 Md. 12 (2005)
- *Chang v. Brethren Mutual Ins. Co.*, 168 Md. App 534 (2006)
- *AT&T Communications of Md., Inc. v. Comptroller of Md.*, 176 Md. App. 22 (2007)
- *Schuele v. Case Handyman and Remodeling Servs., LLC*, 412 Md. 555 (2010)

Honors and Awards

- Influential Marylanders Award, *The Daily Record*, 2015
- VIP-Professionals Under 40, *The Daily Record*, 2010
- Maryland Super Lawyers, *Super Lawyers Magazine*, 2009-present

Memberships and Affiliations

- DRI-The Voice of the Defense Bar, President, 2018; President-Elect, 2017; First Vice President, 2016-2017; Secretary-Treasurer, 2014-2015; Executive Committee, 2014; National Board of Directors, 2011-2014; Diversity Committee Chair, 2009-2011
- Maryland Defense Counsel, President, 2013-2014; Board of Directors, 2005-2014
- Adjunct Professor of Law, Washington and Lee University, 2013-present

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Clarence Lee is an experienced litigator who has been involved in multi-district litigation in cases originating in Louisiana, Illinois and California. He represents clients in a wide range of insurance coverage counseling, commercial litigation, intellectual property litigation and enforcement, and environmental insurance coverage actions. Clarence provides insurance coverage advice and litigation representation on a variety of insurance issues, including general liability, environmental, mass tort, directors and officers liability, professional liability, errors and omissions, managed care, and group care policies. He has also represented companies in intellectual property and antitrust litigation. Clarence is counsel for a major intellectual property trade association that enforces copyrights for technology companies throughout the United States. He also has an active pro bono practice that involves immigration and asylum cases, as well as family law issues in local courts.

Practices

Commercial Litigation
Intellectual Property
Litigation
Class and Collective Actions
Copyright Services
Insurance
Technology and Manufacturing

Education

J.D., Washington University School of Law, Phi Alpha Delta, 2004

B.A., Cornell University, 2001

Bar Admissions

California, District of Columbia, Virginia

Clerkships

The Honorable Audrey Flessig, United States District Court for the Eastern District of Missouri, Judicial Law Clerk (2004)

Experience

- Represented major insurance company in multiple Chinese drywall-related claims, including coverage litigation in multiple districts.
- Represented major insurance companies in commercial liability coverage litigation, including multi-district toxic tort and environmental actions involving products made with asbestos and pollution in the water table in Lodi, California.
- Represents a major trade association for technology companies in hundreds of copyright enforcement matters nationwide.
- Represented major insurance company in obtaining summary judgment on bad faith claim in Maryland.
- Represented major insurance company in managed care coverage arbitration leading to favorable settlement.
- Represented major insurance company in negotiating favorable and creative settlement relating to lost or missing general liability policies.
- Represented relators in novel False Claims Act case that obtained \$76.25 million in recoveries based upon allegations of price fixing for carbon fiber.
- On a pro bono basis, achieved withholding of removal status for Sudanese teenager whose family was persecuted in Sudan for its

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political beliefs.

- On a pro bono basis, achieved asylum for two Belarusian citizens persecuted for their political beliefs.
- On a pro bono basis, assisted young child in leaving home of abusive father and obtaining permanent custody with mother.

Honors and Awards

- Listed in Washington, D.C. *Super Lawyers Magazine* as a Rising Star in Insurance Coverage, 2014-present

Memberships and Affiliations

- American Bar Association
- Virginia Trial Lawyers Association
- Virginia Young Lawyers Association
- Arlington County Bar Association
- Fairfax County Bar Association
- Orange County Bar Association
- 2013 Fellow, Leadership Council on Legal Diversity

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Michelle N. Lipkowitz
Partner

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Email: michelle.lipkowitz@saul.com

Practices

Commercial Litigation
Litigation
Real Estate Services
Securities Litigation
White Collar and Government
Litigation
Construction
Consumer Financial Services
Litigation
Class and Collective Actions
Higher Education
Electric Utilities
Energy Transmission/Pipelines
Manufacturing, Distribution and Retail
Food and Beverage
Real Estate

Education

J.D., Georgetown University Law
Center, 2002
B.A., Harvard University, 1997, *cum
laude*
Groton School, Groton,
Massachusetts, 1993

Bar Admissions

Maryland

Michelle Lipkowitz focuses her practice on commercial litigation, white collar defense, and government investigations. Michelle brings a breadth of litigation experience, including traditional criminal experience, to her practice. Accordingly, Michelle has extensive experience dealing with highly sensitive matters and crisis management, including handling the press. Her practice includes handling governmental investigations, commercial real estate, shareholder disputes, construction matters, products liability and contractual disputes. She has also handled multijurisdictional class action litigation and class action litigation in various state and federal courts for an array of industries, including consumer financial services and pharmaceutical, as well as for government entities. Some of her notable class action representations concentrate on products liability, fraud, civil rights, and consumer financial services. In addition, Michelle has significant experience defending colleges and universities and advising educational institutions. She has extensive experience before various administrative bodies and in state and federal courts throughout Maryland and across the country. She also represents clients from a broad range of other industries, including manufacturing, education, healthcare, construction, technology, retail and telecommunications, as well as nonprofits.

Experience

Recent representations include:

- Represented a high profile client in criminal and attendant civil matters in Delaware and Maryland
- Representing corporations and individuals being investigated by or targeted for indictment by the U.S. Department of Justice
- Representing corporations and individuals being investigated by or targeted for prosecution by various federal and state agencies
- Representing manufacturer in multi-million dollar, international breach of contract matter settled via arbitration
- Representing municipality in multi-million dollar breach of contract case settled via mediation
- Representing multinational retailer in \$25 million bench trial for

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breach of lease resulting in partial summary judgment for the defense

- Multi-district litigation on behalf of national retail organization against builder of approximately one dozen stores in multiple states, involving approximately \$30 million in overall construction claims, resulting in favorable judgments and subsequent settlements for client and coordinated replacement contractors and suppliers

Honors and Awards

- Named one of the "Most Influential Black Lawyers" by *Savoy Magazine*, 2015
- Selected for inclusion in Maryland *Super Lawyers*, 2015
- Named a "Leader in the Law" by *The Daily Record*, 2014
- Selected to receive "The Distinguished Women's Award" from the Girl Scouts of Central Maryland, 2014
- Chosen as one of the "Nation's Best Advocates: 40 Lawyers Under 40" by the National Bar Association and IMPACT, 2013
- Fellow, ABA Forum on the Construction Industry, 2013-2015
- Named to *The Daily Record's* list of "Top 100 Women in Maryland," 2013
- Selected to the Rising Stars list, Maryland *Super Lawyers*, 2013, 2014
- Named a "Mover and a Shaker" in *Diversity & The Bar*, November/December 2011
- Named one of Maryland's "Leading Women" by *The Daily Record*, 2010
- Named to the "VIP List" by *The Daily Record*, 2010

Memberships and Affiliations

- Chair, State of Maryland Transportation Professional Services Selection Board
- Member, Baltimore County Planning Board
- Past Chair, Baltimore City Board of Municipal and Zoning Appeals
- Member, Character Committee, Second Appellate Circuit of Maryland
- Board Member, Baltimore Urban Debate League
- Board Member, Park Heights Renaissance
- 2014 Fellow, Leadership Council on Legal Diversity
- Fellow, Baltimore Bar Foundation
- Trustee, Baltimore Bar Foundation
- Section of Litigation, American Bar Association
 - Co-chair, Diversity Subcommittee, Woman Advocate Committee
 - Selected Participant, Working Group on CLEs for Diverse Counsel
 - Trial Evidence Subcommittee
 - Website Committee
- Leadership Academy, Maryland State Bar Association
 - Fellow
 - Advisory Member, Academy Committee
 - Executive Member, Academy Committee
- Young Lawyers' Division, Maryland State Bar Association
 - Section Counsel

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- Co-chair, Activities Committee
- Co-chair, Resolutions Committee
- Public Awareness Committee, Maryland State Bar Association
- Bar Association of Baltimore City
 - Member, Judicial Nominating Committee
 - Member, Bench Bar Committee
 - Member, Continuing Legal Education and Events Committee
 - Chair, Young Lawyers' Division Public Service Committee
 - Co-Chair, Sponsorship Committee
 - Member, Nominating Committee
- Women's Bar Association
- Monumental City Bar Association
- Board, Maryland Volunteer Lawyers Service's Casino Night Fundraiser
- Maryland Interviewer, Harvard Alumni Association
- Harvard Club of Maryland
- Harvard University Black Alumni Association
- Georgetown University Law Center Alumni Association
- Form Secretary, Groton School Alumni Association
- Potomac School Alumni Association

**SAUL EWING
ARNSTEIN
& LEHR^{LLP}**



Charles O. Monk, II
Partner

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Baltimore, Maryland 21202-3133

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Email: charles.monk@saul.com

Charlie Monk handles complex, high-stakes litigation primarily for companies facing crises or involved in transactions that will reshape their business. During his 40 years as a trial lawyer, clients ranging from securities and financial services companies to energy providers and developers have relied on his legal counsel to help them deal with insolvency, multi-district securities and RICO claims and mergers where billions of dollars were at stake.

Charlie's skill as a trial lawyer was built on a foundation of work in the Maryland Attorney General's Office, where he served as Chief of the Antitrust Division and, later, Deputy Attorney General. During his tenure there, Charlie led the criminal prosecution team in cases arising out of the Maryland Savings and Loan crisis. Untangling the facts to win convictions against high-profile defendants in those cases required a deep understanding of the sophisticated financial practices used in the business world. Charlie brings this same skill-set to his private practice for clients who need legal solutions that reflect the practical needs of their business.

In addition to his legal work for clients, Charlie has served as managing partner for Saul Ewing Arnstein & Lehr's Baltimore office and the firm it merged with for more than 20 years. He is passionate about mentoring and community involvement and strongly encourages attorneys and staff to become civic leaders as a way of giving back to the state of Maryland and his native city of Baltimore and broadening the perspective they bring to their work for clients.

Experience

Antitrust and securities litigation

Charlie represents businesses facing litigation involving securities fraud claims and shareholder derivative claims, including shareholder demand responses and special committee issues. He has represented clients confronting complex commercial, finance and trade regulation matters in many different industries. He regularly handles cases that involve simultaneous claims in multiple states and courts across the country and has won dismissals and negotiated highly favorable settlements for a number of clients.

Practices

Antitrust
Appellate
Bankruptcy Litigation
Commercial Litigation
Corporate Governance
Litigation
Securities Litigation
Energy

Education

J.D., University of Maryland School of Law, 1974
A.B., Brown University, 1971

Bar Admissions

District of Columbia, Maryland

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- Served as lead counsel for a nutrition and weight loss company and its officers in a securities class action (10(b)(5) and shareholder derivative action arising from a stock drop coming after second restatement of financials in two years. Won dismissal of the securities claim and the plaintiffs subsequently agreed to a stipulated dismissal of the shareholder derivative action.
- Served as lead counsel for the CEO of a real estate asset management company involved in consolidated securities class actions and companion derivative cases - including a Delaware Chancery Court phase - arising out of financial statement restatement for a formerly NYSE public company.
- Represented major investment banks and securities brokerage firms in multi-district litigation involving the firms underwriting of multiple issues of taxable municipal bonds marketed with a now infamous junk bond house. Worked with co-counsel to devise a strategy to defend and successfully litigate policyholder priority, over the objection of a state insurance commissioner, for the guaranteed investment contracts underlying the bonds which contracts were issued by a defunct life insurance company. The strategy paid off and the initial claim against the firm's underwriter clients of \$1.85 billion was resolved.

Bankruptcy litigation

A substantial portion of Charlie's practice involves representing parties in bankruptcy litigation. Charlie provides legal counsel to clients who are reorganizing or restructuring to help them emerge successfully.

- Served as litigation and antitrust counsel for the Equity Committee in the Chapter 11 case of one of the largest mall owners and operators in the United States. The company successfully emerged from bankruptcy with a \$5.5 billion recovery for equity.
- Served as lead bankruptcy litigation counsel for a fiberglass manufacturer in one of the largest asbestos-related bankruptcy filings ever. The case involved numerous complex inter-creditor issues, including the valuation of present and future asbestos liabilities, substantive consolidation law, and fraudulent conveyance litigation. The client emerged from bankruptcy as an investment grade company trading on the NYSE.
- Served as lead counsel for the underwriting syndicates involved in a state court life insurance company insolvency in California.
- Served as counsel to the Examiner in the bankruptcy of a major newspaper company.

Energy, utilities and infrastructure development

Charlie also regularly represents energy and utility companies and developers who provide the infrastructure to support these enterprises in substantial business deals.

- Co-chaired the litigation team that obtained approval from the Maryland Public Service Commission for the \$7.5 billion merger of utility giants Constellation Energy Group and Exelon Corporation. The merger created 6,000 jobs in the state and benefited Maryland, the city of Baltimore and Baltimore Gas & Electric customers.
- Won regulatory approvals in Maryland for an energy provider to build what would have been the first nuclear power plant constructed in 30 years had the company decided to proceed with the project.

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Municipal representations

Charlie's background as a former state government lawyer and prosecutor helps him provide clients with insight on government operations that may affect their legal cases. He has a depth of experience handling matters that involve government at the local, state and federal level.

- Led the litigation team that represents the fire and police unions in litigation with a major U.S. city government to resolve a \$1.2 billion funding gap in the Fire and Police Employees' Retirement System. In what has been a complex and politically charged effort to ensure the city fulfills its contractual pension obligations, Charlie's team persuaded the federal court to declare unconstitutional the key provision of the mayor's high-profile plan to make substantial changes to the police officers' and firefighters' pension plan. The case continues on appeal in the Fourth Circuit.
- Served as lead counsel for a major vendor providing transportation security services in the resolution of a contract dispute with the government of a major U.S. city.

Honors and Awards

- Named to *The Best Lawyers in America* list, Antitrust, Bet-the-Company, Bankruptcy and Intellectual Property, 2000 to present
- Named to the "Lawyer of the Year" list for Washington, D.C. & Baltimore, Securities/Capital Markets Law, *The Best Lawyers in America*, Woodward/White, 2013
- Named to the "Lawyer of the Year," list for Washington, D.C. & Baltimore, Antitrust Litigation, *The Best Lawyers in America*, Woodward/White, 2012
- Named a "Local Litigation Star" in Maryland by *Benchmark Litigation*, 2010 to present
- Selected for inclusion in Maryland *Super Lawyers Magazine*, 2007 to present
- Named to *The Best Lawyers in America* list, Antitrust Litigation, Bankruptcy Litigation, Bet-the-Company Litigation, Intellectual Property Litigation and Securities Litigation, Woodward/White, 2007 to present
- Recipient, *The Daily Record's* Maryland Leadership in Law Award, 2005
- Named one of "America's Leading Lawyers in Litigation" by *Chambers USA*, 2005 to present
- Named 2013 University of Maryland Francis King Carey School of Law Distinguished Alumnus

Memberships and Affiliations

- Chair, Board of Visitors, University of Maryland Center for Environmental Science
- Chair, Greater Baltimore Committee, 2009
- Member, Antitrust, Business Law and Litigation Sections, American Bar Association
- Fellow, American Bar Foundation
- Fellow, Maryland Bar Foundation
- Vice Chair and Treasurer, Baltimore Symphony Orchestra, 2001-2009
- Member, Energy Bar Association
- President, Board of Trustees, McDonogh School, 2005-2009
- Chair, Gubernatorial Task Forces on State Health Care Procurement, 1998-1999
- Chair, Maryland State Ethics Commission, 1998-2003
- Reporter, Gubernatorial Task Force on Local Government Antitrust Immunity, 1982-1983
- Member, Board of Visitors, University of Maryland School of Law, 1995-1996

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- Member, Board of Visitors, University of Maryland Center for Environmental Science, 2009-2010

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Christopher Naveja focuses on representing clients in complex commercial, business tort and class action litigation. He has substantial experience in matters involving breach of contract, fraud, consumer fraud and tortious interference with contract and prospective economic advantage. His class action experience includes representing financial institutions in dozens of cases involving the Truth in Lending Act (TILA), related unfair and deceptive trade practices laws at the state level and allegations of fraud. He has handled numerous class actions claims involving alleged violations of the Telephone Consumer Protection Act (TCPA) by companies across many industries, as well as one involving a higher education institution facing claims related to representations of students' prospects for future employment.

Christopher has also litigated declaratory judgments, complex insurance coverage disputes, misappropriation of trade secrets and real estate disputes, as well as actions seeking injunctive and equitable remedies.

In his practice Christopher also represents a number of public and privately held businesses, including risk pools, insurance companies, manufacturers, dealerships and construction companies. He has experience handling mediations, arbitrations, non-jury trials and jury trials in Chicago and the surrounding communities. Christopher was part of the Firm's trial team that successfully litigated a multimillion-dollar lease dispute involving one of Chicago's landmark hotels.

The International Association of Privacy Professionals recognizes Christopher as a Certified Information Privacy Professional (CIPP/US).

Memberships and Affiliations

- American Bar Association

Practices

Litigation
Product Liability
Class and Collective Actions
Financial Services
Cybersecurity and Privacy

Education

J.D., University of Illinois School of Law, 1995, *cum laude*
B.S., Indiana University, 1992

Bar Admissions

Illinois

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Patrick Hromisin assists clients with white collar, compliance, and complex commercial litigation matters, including representations through trial, arbitration, mediation and negotiations with prosecutors and regulators. Institutions of higher education, insurance, health care and energy companies, as well as individual clients, are among the broad array of clients he has represented.

Patrick has conducted numerous internal investigations in response to emergent issues for a variety of clients. He has represented clients at trial and in connection with grand jury subpoenas, civil subpoenas, and civil investigative demands, as well as Department of Education program reviews. He has taken and defended depositions, including expert depositions in a nine-figure civil matter. He has advised clients from complaint through settlement in numerous civil matters. He has also drafted dispositive motions and briefs at the trial and appellate level.

Patrick also advises clients on issues involving cybersecurity and data privacy, particularly in the higher education and health care industries. He has counseled numerous clients on compliance with the European Union's General Data Protection Regulation (GDPR) and the Health Insurance Portability and Accountability Act (HIPAA). He also helps clients prepare for cybersecurity incidents; respond to potential breaches and conduct related internal investigations; and provides representation in related litigation.

Prior to joining Saul Ewing Arnstein & Lehr, Patrick spent nearly eight years as a civilian program analyst for the U.S. Navy as part of the Naval Inventory Control Point International Programs Directorate. In this position, he administered security assistance cases between the U.S. Navy and various foreign Ministries of Defense, performing technical research, logistics management, and contract administration, among other tasks.

Experience

White collar and government litigation

- Patrick and a partner in Saul Ewing Arnstein & Lehr's White Collar and Government Litigation Practice won an acquittal for a client after a four-week federal trial on charges of conspiracy to commit wire

Practices

Commercial Litigation
Cybersecurity and Privacy
Litigation
White Collar and Government
Litigation
Employee Benefits and ERISA
Litigation
Higher Education
Insurance

Education

J.D., Temple University James E.
Beasley School of Law, 2009, *cum
laude*

B.A., St. Joseph's University, *magna
cum laude*

Bar Admissions

New Jersey, Pennsylvania

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fraud. Patrick conducted cross and direct examinations, drafted multiple motions and briefs, and argued motions before the court.

- Represented three employees of a medical device manufacturer who had been targeted for indictment under the Food, Drug and Cosmetic Act; persuaded the U.S. Department of Justice (DOJ) to decline to charge.*
- Represented and conducted an internal investigation of a publicly regulated company in relation to a government probe and ultimately persuaded authorities not to bring an indictment.*
- Represented a company in connection with a lengthy civil investigation by the Pennsylvania Office of Attorney General.
- Conducted an internal investigation and oversaw a voluntary disclosure to the Department of Health and Human Services Office of Inspector General related to compliance with the Office of Inspector General's List of Excluded Individuals and Entities.
- Conducted an emergency internal investigation of allegations that threatened to delay or prevent the sale of a substantial industrial interest.

*Prior results do not guarantee a similar outcome.

Higher education matters

- Represented a university responding to a Department of Education Program Review relating to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).
- Represented a university responding to civil claims and claims before the Pennsylvania Human Rights Commission arising from dismissal of a high-level executive.
- Conducted an internal review and advised a university client concerning compliance with the Clery Act.

*Prior results do not guarantee a similar outcome.

Cybersecurity and data privacy

- Counseled various clients on compliance with the European Union's General Data Protection Regulation (GDPR), including detailed reviews of data processing practices as well as drafting privacy notices, contracts and amendments, and privacy policies.
- Represented clients in matters relating to the handling and transfer of sensitive data.
- Represented a client in connection with an investigation into HIPAA compliance.

Commercial and appellate litigation

- Represented a financial firm in a high-value business interruption claim in the U.S. District Court for the Southern District of New York, through fact discovery, fact and expert depositions, motion practice and mediation.
- Won a victory for a client in a AAA arbitration based on the breach of a contract.*
- Represented insurers in bad faith and breach of contract matters from complaint through settlement, including multiple mediations.

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- Prepared filings for temporary restraining orders and preliminary injunctions in cases involving alleged violations of the Computer Fraud and Abuse Act and trade secrets statutes.
- Drafted briefs for clients appealing matters to the Commonwealth Court of Pennsylvania and Supreme Court of Pennsylvania.

*Prior results do not guarantee a similar outcome.

Memberships and Affiliations

- Board President, Friends of Briar Bush, Inc.
- National Association of Criminal Defense Lawyers
- Federal Bar Association, Criminal Law Committee, Philadelphia Chapter
- American Bar Association
- Philadelphia Bar Association

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Robin D. Leone
Counsel

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Robin Leone is a litigator who helps clients with complex commercial business disputes. In state and federal courts, both in Maryland and other jurisdictions, and before administrative agencies, Robin represents the interests of a diverse client base, including telecommunications and media enterprises, energy and utility companies, governmental entities, insurance and real estate brokers, lending institutions, commercial developers, and product manufacturers.

Robin has extensive e-discovery and document management experience for large trials. For example, Robin is currently representing multiple Maryland State agencies and the Governor of Maryland in a dispute with a developer over the termination of a planned project to revitalize the State Center office complex. The State has filed a declaratory judgment action seeking a declaration of its rights and obligations under a Master Development Agreement; the developer has responded with 32 counterclaims alleging breach of contract, tortious conduct and constitutional violations. Robin is leading all discovery efforts, including document collection, review and production using sophisticated e-discovery methodologies; development and implementation of litigation and mediation strategies; and management of associates and litigation support staff.

Robin has represented clients in both state and federal courts in media cases arising out of defamation claims. She most recently created and implemented the litigation strategy in pursuit of an anonymous blogger publishing defamatory comments from a location in South America on a U.S.-based blogging platform. Robin has applied her media law skills to non-media clients who challenge defamatory speech (e.g., health care providers seeking relief from defamatory reviews posted by competitors or disgruntled former employees); seek advice regarding proposed communications to reduce the risk of an action for defamation (e.g., a school communicating with parents regarding a theft that occurred on school property); and oppose attacks on intellectual property, such as through cyber-squatting (e.g., a moving company who objected to a competitor's substantially similar website address, where the website's content included disparaging statements about the client). She concentrates on developing litigation strategies, including writing legal arguments for both trial and appellate courts, establishing

Practices

Commercial Litigation

Litigation

Utilities

Consumer Financial Services
Litigation

Energy

Education

J.D., Georgetown University Law
Center, 2005

M.A., University of Pennsylvania, 1990

B.A., Northwestern University, 1985,
with distinction

Bar Admissions

Maryland

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discovery protocols using e-discovery tools, and preparing witnesses for deposition and trial.

Robin's understanding of the legal challenges businesses face is informed by her past experience as a senior associate with Booz Allen Hamilton Inc., a leading management and information technology consulting firm. She provided management consulting services and strategic communications advice to U.S. federal agency clients, including the Department of the Army, the U.S. Environmental Protection Agency, and the National Institute for Standards and Technology. The litigation strategies Robin devises are founded on her approach to gaining an in-depth understanding of each client's organization, mission and business processes.

Experience

Select Representations for Litigation Clients

- Led e-discovery efforts for complex litigation on behalf of Montgomery County, Maryland, in a dispute related to construction of a parking facility at a transit center. Interviewed key leaders regarding document storage and retention processes and drafted interview protocols for document custodians throughout the county government. Developed document review protocols, negotiated guidelines for production of electronically stored information and protection of confidential information. Trained more than 20 Saul Ewing Arnstein & Lehr attorneys on case background, litigation goals, and document review processes. Coordinated with e-discovery vendors to hire and train 80-plus contract attorneys to assist in the review of the more than 4.4 million documents produced in the case.
- Routinely providing litigation and witness preparation support to an international insurance brokerage, including developing search protocols for multiple types of document collections, from scanned paper documents to ESI with full metadata; employing search and analytical tools to locate and evaluate document families and threading relationships; developing case-specific document tagging protocols; navigating document collections to identify significant documents by custodian to prepare witnesses for interviews and depositions; and preparing witness-specific, chronological narratives to facilitate witness interactions.
- Facilitating changes in litigation strategy for an intellectual property lawsuit proceeding in federal court in an insular legal community, including identifying new local counsel, leveraging a parallel case underway in a different jurisdiction, and advocating the client's position on the strength of its copyright through a broad range of writings, including a mediation statement, memorandum in support of summary judgment, and evaluation of the District Court's errors of law.
- Creating and implementing the litigation strategy in pursuit of an anonymous blogger publishing defamatory comments from a location in South America, including obtaining court authorization to serve a subpoena on the U.S.-based blogging platform in order to identify the blogger, managing local counsel in South America, and navigating the service of process system under the Inter-American Convention.
- Establishing the appellate strategy and drafting initial and reply briefs to argue for the continued existence of an express easement through analysis and detailed interpretation of decades-old land records.

Select Representations for Business Clients

- Providing a litigation perspective to emerging issues, including identifying and managing communications with expert witnesses and reviewing and responding to threats of litigation. Also providing advice on

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methods both to access public information, such as awards of government contracts, and to limit the public's access to private company information reported to the government, including trade secrets and other confidential commercial or financial information.

- Evaluating potential defamation claims arising in business settings, such as statements made in on-line reviews, and providing advice on mitigation and response strategies.
- Serving as pro bono general counsel for a non-profit corporation, chairing the organization's Litigation and Advocacy Committee, and coordinating access to a broad range of firm resources, including labor and employment, real estate and environmental law attorneys.

Memberships and Affiliations

- Member, American Bar Association
- Member, Maryland State Bar Association

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Evan J. Foster
Partner

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1200 Liberty Ridge Drive
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Evan Foster advises clients on legal issues involving technology, data privacy and cybersecurity. Customers and vendors in the health care, life sciences, financial and manufacturing industries, among others, seek his advice on technology transactions and systems acquisition including matters involving Internet and e-commerce. His experience includes drafting and negotiating cloud computing and software-as-a-service agreements.

As the Vice Chair of Saul Ewing Arnstein & Lehr's Cybersecurity and Privacy Practice Group, Evan regularly counsels clients on cybersecurity incident preparation and response and data privacy and protection matters, as well as regulatory and internal compliance. This work helps business bring into focus the strategic and reputational risks they face in these aspects of their operations and he advises them on how to minimize these risks and respond when an incident occurs. He has assisted clients in this space with:

- Coordination of data breach responses, including those involving protected health information subject to the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and personally identifiable information subject to state breach law.
- Guiding forensic investigation of security incidents.
- Preparation of notifications to regulators and affected individuals post-breach.
- Investigation of insider threats.
- Drafting of incident response plans as well as policies and procedures relating to cybersecurity and data privacy.
- Counseling, particularly for the financial services and insurance industries, on New York Department of Financial Services Regulation 500.

Evan provides practical legal advice that takes into account real-world implementation of the challenges involved in the use of technology and its application to data privacy and cybersecurity by businesses of all types. His understanding of these issues is enhanced by his past experience as the founder of Foster Consulting Group, an IT consulting firm for small companies and as a business intelligence analyst. Evan also handles general corporate

Practices

Business and Finance
Cybersecurity and Privacy
Health Care Technology Contracting
Intellectual Property
Resources, Access and Mentoring Program (RAMP)
Health Care
Life Sciences
Life Sciences Transactional Services
Medical Device and Diagnostic Companies
Pharmaceutical
Technology and Manufacturing

Education

J.D., Villanova University School of Law, 2006, *cum laude*
B.A., Tulane University, 2001

Bar Admissions

New Jersey, Pennsylvania

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and commercial matters and commercial contracts, as well as general intellectual property matters.

Experience

Technology transactions

- A major university and affiliated health system in a variety of health care information technology agreements valued at six or seven figures. This representation is ongoing. Evan also represented this client in the renegotiation of a multi-facility contract for outsourced environmental services valued in excess of \$100 million.
- A global pharmaceutical company in multiple negotiations for advertising, public relations, digital media and medical communications services, each valued in excess of \$10 million.
- A different global pharmaceutical company in a variety of information technology licensing and acquisition agreements, including regulated systems involved in the manufacturing and compliance functions. This representation is ongoing.
- A prominent state university in numerous technology acquisition, licensing and general procurement matters, including negotiations for its primary offsite data center, licensing of admissions software delivered as software-as-a-service (SaaS), and licensing of electronic medical record software for its physical therapy clinic. This representation is ongoing.

Technology system development and counseling

- A non-profit health network in the formation, structuring and implementation of a community-wide, hybrid health information exchange, including providing counsel on compliance with federal and state anti-kickback and physician self-referral statutes, privacy and security laws, including HIPAA, HITECH and protection of certain sensitive categories of information, and drafting required agreements and policies.
- A prominent vendor in the field of health information technology and health information exchange in need of outside counsel.

Honors and Awards

- Named to the "BTI Client Service All-Star Report" and one of 25 attorneys listed as an "Intellectual Property All-Star," BTI Consulting Group, 2015

Memberships and Affiliations

- American Bar Association, Section of Science and Technology Law
- Healthcare Information Management Systems Society (HIMSS)
- Chairman, Board of Directors, Spirit of Gheel, Inc.

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Scott Patterson's technology law practice focuses on information technology transactions, including complex software development, licensing, marketing, and services agreements, and resolution of disputes arising from delayed or unsuccessful system procurements. He has had lead responsibility for technology development and procurement agreements ranging upward to hundreds of millions of dollars, including a current state government engagement involving development and deployment of a multistate consortium's information management systems encompassing all benefits, appeals, and employer tax data in the participating states.

A considerable portion of Mr. Patterson's work has been done for academic medical centers, universities, and other institutions for whom information security and privacy issues have been paramount for many years, helping him acquire in-depth knowledge of privacy and cybersecurity principles, technologies, and regulatory frameworks. He has earned an IAPP CIPP/US (Certified Information Privacy Professional/United States) certification, and regularly counsels clients with respect to those issues.

He is also Chair of the firm's Technology Committee, which is responsible for overseeing all of Saul Ewing's technology acquisitions and deployments, and development and implementation of its security, privacy, and usage policies.

Prior to transitioning to a full-time transactional practice, Mr. Patterson also maintained a commercial litigation practice in which he accumulated 25 years of experience in federal and state court proceedings, commercial arbitrations, and mediations.

Practices

Business and Finance
Cybersecurity and Privacy
Health Care Technology Contracting
Intellectual Property
Health Care
Life Sciences
Medical Device and Diagnostic Companies
Technology and Manufacturing
Telecommunications
Life Sciences Transactional Services

Education

J.D., Harvard Law School, 1977, *cum laude*

A.B., Woodrow Wilson School of Public and International Affairs, Princeton University, 1974, *magna cum laude*

Bar Admissions

Pennsylvania

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Dave Shafer assists with a variety of business, finance and cybersecurity matters, including helping clients prepare for cybersecurity incidents and respond if a data breach occurs.

Dave helps clients understand the legal liabilities associated with how their sensitive information is collected, used and stored. He drafts an array of cybersecurity and privacy-related policies, including those involving the security of proprietary and sensitive data, the management of vendor and third-party relationships and individual notifications and consents. He also analyzes these policies for compliance with cybersecurity and data privacy laws in all 50 states, including California, as well as against industry norms set by the National Institute of Standards and Technology, guidance from the Federal Trade Commission and other applicable industry standards. On the privacy front, he analyzes and drafts policies regarding information security and data compartmentalization, as well as international data sharing and cloud computing contracts. He also provides guidance on compliance with the European Union's General Data Protection Regulation (GDPR). When clients have faced breaches, he has coordinated with outside technical forensic investigators to determine the scope of any alleged breach, provided counsel on required notifications and responded to investigations conducted by state attorneys general and state regulating authorities.

Dave's cybersecurity and data privacy experience is informed by his past experience establishing complex international data infrastructure in austere environments while serving in the U.S. Marine Corps during Operation Iraqi Freedom and Operation Enduring Freedom. This work gives him a firm grasp of what this type of infrastructure should look like and common operational risks. He also has experience working as a senior consultant in the cybersecurity field.

Beyond his cybersecurity and data privacy experience, Dave helps businesses with private equity transactions and mergers and acquisitions, as well as transactions and regulations in the government contracting industry. His work includes assisting with the negotiation and drafting of acquisition agreements, contract negotiations and compliance with procurement regulations.

Practices

Corporate Governance
Cybersecurity and Privacy
Emerging Company and Entrepreneur Services
Mergers and Acquisitions
Securities Transactions and Regulations
Resources, Access and Mentoring Program (RAMP)
Private Equity and Venture Capital

Education

J.D., summa cum laude, University of Baltimore School of Law, 2015
B.S., U.S. Merchant Marine Academy, 2005

Bar Admissions

Maryland

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Dave was a summer associate in 2014 for Saul Ewing Arnstein & Lehr, where he worked on a variety of litigation and transactional matters, including issues involving real estate, foreign entity operations and the Fair Labor Standards Act.

While in law school at the University of Baltimore, Dave worked as a student attorney in the Bob Parsons Veterans Advocacy Clinic, providing legal assistance to disabled veterans. In addition, Dave was a judicial intern for the Honorable Deborah K. Chasanow in the U.S. District Court for the District of Maryland.

Memberships and Affiliations

- American Bar Association
- Maryland State Bar Association

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Northern District of California Cases

Below, please find a list of every Northern District of California case that Saul Ewing Arnstein & Lehr attorneys have served as lead counsel or co-lead counsel.

Case Name	Case Number	Judge
ATTAIN, LLC v. WORKDAY, INC. et al	3:18-cv-04095	Magistrate Judge Jacqueline Scott Corley
Petersen-Dean, Inc. v. SolarWorld Americas, Inc.	3:17-cv-07326-WHO	Judge William H. Orrick
Lloyd T Whitaker v. Daniel G Hickey , Jr. et al	3:15-cv-03904-WHA	Judge William Alsup
Shelby Gail Hiefert vs. Alim Tayyab. d/b/a Peggy Su's, et al	C14-1544 PSG	Reassigned based upon agreement to indemnify client
Velasquez v. Longs Drug Stores California, LLC	1:15-cv-01368-NJV	Judges Nandor J. Vadas and James Donato
Lawless v. LGPA, et al.	4:10-cv-04599-SBA	Senior Judge Sandra Brown Armstrong
Potter v. CVS Pharmacy, Inc.	3:09-cv-04786	Magistrate Judge Maria-Elena James
Riley et al. v. National Tobacco Co. LP	3:08-cv-01931-JSW	Judge Jeffrey S. White
Parker et al. v. National Tobacco Co. LP	3:08-cv-01933-JSW	Judge Jeffrey S. White
Robolaw Corporation v. DeVry, Inc.	3:07-cv-00903-JL	Chief Federal Magistrate Judge Hon. James Larson
Maron v. Foster Wheeler Corporation	No. C 95-0686 SI	Judge Susan Yvonne Illston
Treasure Bay, Inc. v. Scholastic Corp., et al	3:99-cv-04603	Magistrate Judge Bernard Zimmerman